

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PAM BELL,

Plaintiff,

v.

JAMES MURPHREE,

Defendant.

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3:22-CV-00114-DCLC-DCP

ORDER

This matter is before the Court *sua sponte* for case-management purposes. Defendant's counsel filed a suggestion of death as to Defendant James Murphree on May 25, 2022 [Doc. 12]. Defendant's counsel then filed an amended suggestion of death for Defendant James Murphree that included the relevant information for the probate of his estate [Doc. 13]. Defendant's counsel served the amended suggestion of death on The James E. Murphree Revocable Living Trust on August 23, 2022 [*Id.*, pg. 2]. When a party dies, "[a] motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent *must* be dismissed." Fed. R. Civ. P. 25(a)(1) (emphasis added).

Defendant's counsel served the initial suggestion of death on Plaintiff on May 25, 2022 [Doc. 12]. *See* Fed. R. Civ. P. 5(b)(2)(E). Plaintiff had until August 23, 2022, to file her motion for substitution. Plaintiff has made no effort to substitute a party in this case. Because more than 90 days have now passed since the initial suggestion of death was served, under Fed. R. Civ. 25(a)(1), this matter must be **DISMISSED**.

A separate judgment shall enter.

SO ORDERED:

s/ Clifton L. Corker
United States District Judge